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INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE

Traffic in women and girls

Report of the Secretary-General

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Introduction

1. In its resolution 2001/48, the Commission on Human Rights requested the Secretary-General to provide, at its fifty-seventh session, an update on the report on activities of United Nations bodies and other international organizations pertaining to the problem of trafficking in women and girls. The present report, which updates information included in the report submitted at the last session of the Commission (E/CN.4/2001/72), is submitted in accordance with that resolution.

2. The problem of trafficking and the web of human rights violations it embraces present some of the most difficult and pressing issues on the international human rights agenda. Complexities include different political contexts and geographical dimensions of the problem; ideological and conceptual differences of approach; the mobility and adaptability of traffickers; different situations and needs of trafficked persons; the inadequate legal framework; and insufficient research and coordination on the part of actors involved - at the national, regional and international levels. The link between trafficking and migration presents another complexity presenting both political and substantive obstacles to resolution of the trafficking problem. In describing the various activities of international and regional organizations, the present report seeks to provide an overview of current approaches and, thereby, encourage greater collaboration between intergovernmental organizations on this important issue.

I. ACTIVITIES OF UNITED NATIONS BODIES AND SPECIALIZED AGENCIES

A. The human rights mechanisms and procedures

3. Human rights treaty bodies have continued to pay particular attention to the issue of trafficking in examining reports of State parties. In particular, the Committee on the Elimination of Discrimination Against Women (CEDAW), the Committee on the Rights of the Child (CRC), the Human Rights Committee (HRC) and the Committee on Economic, Social and Cultural Rights (CESCR) have recently made specific references to trafficking and related exploitation in a number of concluding observations/comments. Concluding observations on the issue of trafficking include those adopted by CESCR on Nepal,[1] Venezuela,[2] Germany,[3] Bolivia[4] and Ukraine;[5] by HRC on the Czech Republic,[6] Venezuela,[7] Croatia,[8] the Democratic People's Republic of Korea[9] and the Dominican Republic;[10] by CEDAW on Singapore,[11] the Netherlands,[12] Finland,[13] Nicaragua,[14] Kazakhstan,[15] Uzbekistan,[16] Mongolia,[17] Burundi,[18] Sweden,[19] Viet Nam[20] and Maldives;[21] and by CRC on the initial reports of Côte d'Ivoire,[22] Cameroon,[23] Cape Verde,[24] the Democratic Republic of the Congo,[25] the United Republic of Tanzania,[26] Bhutan,[27] Lithuania,[28] Mauritania[29] and Latvia;[30] and on the second periodic reports of Paraguay[31] and Guatemala.[32] The Committee against Torture has also addressed the trafficking issue in its concluding observations on the reports of Greece,[33] Georgia[34] and Ukraine;[35] and the Committee on the Elimination of Racial Discrimination in its concluding observations on the reports of Portugal,[36] Italy,[37] Bangladesh[38] and China.[39]

4. To increase the protection of children against sexual exploitation, including through trafficking, the General Assembly adopted the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in May 2000. The

Optional Protocol will enter into force on 18 January 2002. During 2002, the Committee on the Rights of the Child will adopt guidelines regarding initial reports that each State party to the Optional Protocol shall submit to the Committee within two years following the entry into force of the Optional Protocol for that State party.

5. The General Assembly and the Commission on Human Rights have continued to emphasize the human rights dimension of the problem of trafficking in women and girls. At its fifty-fifth session, the Assembly received a report of the Secretary-General on trafficking in women and girls (A/55/322) and subsequently adopted resolution 55/67 on this subject, in which the Assembly confirmed that trafficking in women and girls for purposes of economic and sexual exploitation and other contemporary forms of slavery are serious violations of human rights. It called upon Governments to criminalize trafficking and penalize all offenders while ensuring protection of and support for victims of trafficking. A compilation of successful interventions and strategies in addressing the various dimensions of trafficking is to be compiled by the Secretary-General for submission to the Assembly at its fifty-seventh session.

6. A number of special rapporteurs of the Commission of Human Rights, both thematic and country specific, have also continued to address trafficking in persons - especially women, children and migrants. The Special Rapporteur on violence against women examined the issue of trafficking of women in and out of conflict zones as a part of her report to the fifty-seventh session of the Commission on Human Rights on violence against women in times of armed conflict.[40] The report also included consideration of the role which United Nations peacekeepers may play in the trafficking of women into forced prostitution.[41] The Special Rapporteur also reported on her mission (2000) on the issue of trafficking of women and girls in Nepal, Bangladesh and India.[42] Recent reports of the Special Rapporteur on the sale of children, child prostitution and child pornography have addressed the problem of trafficking of children[43] and this issue was also taken up by the Special Rapporteur in the context of a recent mission to the Russian Federation.[44] It is relevant to note that the new Special Rapporteur is in the process of developing a mechanism through which he will deal with individual complaints arising under his mandate, including cases of trafficking in children. The Special Rapporteur on the human rights of migrants continues to address both the trafficking of persons and smuggling of migrants. These issues were addressed in her 2001 report in the context of her mission to Canada.[45] The Special Rapporteur on the human rights of migrants also developed the question of trafficking in her contributions to the preparatory process of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. She submitted a report entitled "Discrimination against migrants - migrant women: in search of remedies",[46] which includes the question of trafficked women, to the first session of the Preparatory Committee for the World Conference. During the second session, the Special Rapporteur also addressed the issue of trafficking in her report: "Racial discrimination, xenophobia and intolerance against migrants".[47]

7. Two of the country mechanisms have raised the issue of trafficking in their investigations and reports. The Special Representative of the Secretary-General for human rights in Cambodia has reported on the problem of trafficking of women and children into Cambodia from various areas as well as trafficking between Cambodia, Thailand and Viet Nam.[48] The Special

Representative on the situation of human rights in Bosnia and Herzegovina and the Federal Republic of Yugoslavia continues to note the problem of trafficking of women and children for the purpose of forced prostitution in the region.[49]

8. In its decision 2000/10 of 18 August 2000, the Sub-Commission on the Promotion and Protection of Human Rights decided to include in the provisional agenda for its next (fifty-third) session, under the agenda sub-item entitled "Freedom of movement: the right to leave any country, including one's own, and to return to one's own country, and the right to seek asylum from prosecution", a sub-item entitled "Smuggling and trafficking in persons and the protection of their human rights". The Sub-Commission requested the Secretary-General to submit a relevant note on this subject to it at its next session. That note was duly submitted as document E/CN.4/Sub.2/2001/26. In this report, the Secretary-General addressed the definitional issues surrounding both migrant smuggling and trafficking as well as the human rights dimensions of these phenomena. He provided an overview of international and regional initiatives on trafficking and migrant smuggling and identified priority areas for action.

9. Following its usual practice, the Sub-Commission also addressed the issue of trafficking in persons through the activities of its Working Group on Contemporary Forms of Slavery. The Working Group has recently given priority consideration to the issue of trafficking in persons and in fact devoted its twenty-sixth session, in June 2001, to this issue. While few intergovernmental organizations were represented at the 2001 session of the Working Group, a number of NGOs actively participated. The participation of most of those NGOs was financed from the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery. Based on the information it received, the Working Group adopted specific recommendations on trafficking in persons and resolved to continue dealing with this issue at future sessions.

10. The Working Group was provided with updated information on the issue of trafficking in children in Central and West Africa and engaged in a useful dialogue with representatives of several concerned countries. The adoption of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Trafficking Protocol) was also discussed. Although many participants welcomed the adoption of the Protocol they also expressed their concern about some of the provisions, in particular the optional nature of those relating to protection of the victims of trafficking. In its recommendations, the Working Group called upon Governments to provide protection and assistance to victims that are based on humanitarian considerations and not contingent on their cooperation with the prosecution of their exploiters. It also urged States to initiate community-based prevention programmes, especially in high-risk areas, to educate people on the tactics of recruiters and traffickers and on the risks of sexual exploitation.

11. In accordance with General Assembly resolution 46/122, the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery has continued to provide assistance to victims of contemporary forms of slavery, including trafficking, through the provision of project grants to relevant NGOs and travel grants to victims and NGO representatives to attend the sessions of the Working Group on Contemporary Forms of Slavery. At its sixth session in 2001, the Board of Trustees of the Fund recommended 13 travel grants and 18 project grants which were subsequently approved. As the main theme of the twenty-sixth session of the Working Group

was trafficking in persons, many of the travel grant beneficiaries had experience in this issue and were able to contribute to the discussions of the Working Group. States and others are encouraged to contribute to the Fund in order to enable the Fund and Board to fulfil their mandate effectively.

B. Office of the United Nations High Commissioner for Human Rights

12. Since 1998, the High Commissioner has given priority to the issue of trafficking in persons - especially women and children. The overall goal of the work of OHCHR in this sector is the integration of human rights into international, regional and national anti-trafficking initiatives through legal and policy development. The Trafficking Programme, which was established in 1999, is guided by and implemented through a project funded by the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights. It does not aim to undertake large projects or to otherwise duplicate the various initiatives which are being undertaken elsewhere. Instead, as far as possible, OHCHR tries to act as a catalyst and a support for the work of others. The Programme is managed by a specialist adviser who also supports the High Commissioner on issues relating to both trafficking and migrant smuggling.

13. The OHCHR Trafficking Programme has five basic objectives: (a) to enhance and ensure the capacity of the High Commissioner to provide policy guidance and leadership on the issue of trafficking; (b) to strengthen the capacity of OHCHR and the United Nations human rights system to deal with the human rights dimensions of trafficking; (c) to ensure the integration of a human rights perspective into the anti-trafficking work of other United Nations agencies and programmes; (d) to raise awareness and knowledge of trafficking as a human rights issue throughout the United Nations system; and (e) to encourage external organizations (intergovernmental organizations (IGOs), international and national NGOs and national human rights institutions) to take up the issue of trafficking and apply a human rights perspective to trafficking in their policies and activities.

14. The OHCHR Trafficking Programme is able to point to substantial and verifiable results since its commencement in 1999. The High Commissioner for Human Rights is now widely recognized as a voice of leadership on this issue and OHCHR has become one of the key anti-trafficking agencies within the United Nations system. Through position papers and policy documents, the High Commissioner has worked to ensure that the human rights aspects of trafficking and related exploitation are adequately reflected in international and regional legal initiatives. OHCHR was, for example, instrumental in the establishment of a coalition of intergovernmental agencies (including the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM) and the United Nations Children's Fund (UNICEF)) which worked together to promote the integration of human rights protections into the Trafficking Protocol and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime. In March 2001, OHCHR initiated the establishment of an IGO Contact Group on Trafficking and Migrant Smuggling which brings together representatives of the major Geneva-based intergovernmental organizations working on trafficking, including the International Labour Organization (ILO), UNHCR, IOM and the International Migration Policy Programme as well as relevant NGOs. The Group, which is coordinated by the OHCHR Trafficking Adviser, has now become an important vehicle for inter-agency cooperation and

collaboration on this issue. Outside this formal structure, OHCHR also provides advice and information on trafficking-related issues to partner organizations, Governments, national human rights institutions and the non-governmental community. The Programme maintains a system of grants which have provided practical support for small-scale, catalytic and rights-based trafficking interventions both within and outside the United Nations system.

15. A number of OHCHR field offices, including those in Bosnia and Cambodia, have undertaken significant anti-trafficking activities. The OHCHR Bosnia Office has been particularly active in developing and implementing a wide range of activities aimed at preventing trafficking and protecting the rights of victims as well as ensuring better coordination on this issue between the various international organizations and programmes. Throughout 2001, the Bosnia Office has worked closely with the anti-trafficking team established within the United Nations Mission in Bosnia and Herzegovina (UNMIBH) as well as IOM in a joint effort aimed at establishing a mechanism and procedures for the identification and protection of victims of trafficking. OHCHR recognizes that such measures can only ever provide a temporary solution to the problem and has accordingly commenced work with the Government in developing a national plan of action on trafficking. The plan draws on the acknowledged need to protect the full range of rights implicated in the trafficking cycle. It incorporates issues of prevention and awareness through reintegration as well as rights-based law reform.

16. OHCHR will seek to consolidate and extend its Trafficking Programme throughout 2002. Of particular importance will be efforts to disseminate and implement the High Commissioner's Principles and guidelines on human rights and human trafficking, which are currently under development. The Principles and guidelines will be presented by the High Commissioner to other United Nations agencies and programmes for consideration and possible adoption in the first half of 2002. The Programme will continue to coordinate closely with other entities of the United Nations system, intergovernmental organizations and NGOs through the IGO Contact Group on Human Trafficking and Migrant Smuggling. Efforts to integrate trafficking into the work of national human rights institutions will intensify during 2002 as will efforts of OHCHR to address the issue of trafficking and related exploitation in the context of United Nations field operations. All programme activities will be directed towards laying the groundwork for an international conference on best practices in implementing a human rights approach to trafficking, which is scheduled to take place in 2003.

17. The Special Rapporteur on violence against women[50] has, along with several OHCHR field offices and other international organizations,[51] identified a link between the presence of international forces and the development of a market for trafficked women and girls. In some situations, international personnel have been implicated as "consumers". However, it has also been suggested that in certain cases, this involvement is more direct and more systematic. Whilst complete information on the extent of such practices is not yet available, there is a clear need for training and awareness-raising amongst international personnel, both military and civilian, regarding the nature of forced prostitution and the abuse of children.[52] The development and enforcement of relevant, realistic codes of conduct is another avenue which deserves exploration. In all cases, it is essential that international personnel be held to the highest standards of integrity and accountability.

C. The crime prevention and criminal justice system

18. The adoption of the United Nations Convention against Transnational Organized Crime and the Protocols addressing trafficking in persons and the smuggling of migrants by the General Assembly in November 2000 was a milestone of United Nations action against trafficking. Since their adoption, 132 countries have signed the Convention and 91 had signed the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Trafficking Protocol). It is notable that the United Nations 2001 campaign for treaty ratification, highlighting women and children, singled out the Convention and its Protocols for special attention. With 40 ratifications required for their entry into force, it is expected that the instruments may be operational within the coming year.

19. As noted in the previous report, the Trafficking Protocol contains important provisions aimed at preventing and combating trafficking, protecting and assisting victims and promoting inter-agency and intercountry cooperation. In several countries, the provisions of the Convention and the Protocol have already served as the basis for law reform. They also offer a framework for the formulation of regional and national anti-trafficking action plans. The United Nations Office for Drug Control and Crime Prevention (ODCCP)/Centre for International Crime Prevention (CICP) has organized a series of pre-ratification conferences and workshops and offers assistance to Member States in this area, including assessment of the existing legislation related to trafficking in persons, formulation of an evaluation report on the requirements for ratification of the Protocol, and organization of discussion among authorities and NGOs on the implementation of the Protocol. An expert group to prepare model legislation is foreseen for the year 2002.

20. CICP continued its other technical assistance activities under its Global Programme against Trafficking in Human Beings, launched in 1999, and carried out in cooperation with the United Nations Interregional Crime and Justice Research Centre (UNICRI). The programme's main objectives include analysing the involvement of organized crime groups and the routes and methods used by traffickers of human beings, strengthening criminal justice responses, improving cooperation among law enforcement agencies and other relevant institutions, and improving protection and support systems for victims and witnesses. Within the United Nations context, CICP focuses, from a global perspective, on the criminal component of trafficking and on crime prevention, complementing the work of other entities of the United Nations system that are concerned, primarily, with other aspects of human trafficking. The Global Programme promotes a comprehensive and multidisciplinary approach to preventing and combating human trafficking. Given the complex nature of trafficking in persons, securing the expertise of other organizations and ensuring complementarity of action are essential.

21. In implementing the Global Programme, ODCCP/CICP fosters international cooperation and strengthening national capacity-building for combating trafficking in persons, especially women and children. Priority is given to collecting information on global trends and proven practices. Technical assistance modules will include establishing or strengthening specialized police units against human trafficking as well as inter-agency cooperation between law enforcement, prosecutors and civil society actors in order to improve victim/witness assistance and protection, taking stock of the best practices adopted by countries in each particular region to combat the problem, and to carry out demonstration projects. In addition, CICP has initiated

work on a database including data from multiple sources on global trends, cross-national routes and volumes of trafficking in persons and smuggling of migrants, as well as data on victims and offenders of trafficking and responses of criminal justice systems to this criminal activity. Recent achievements include the formulation of a political declaration and an action plan against trafficking in human beings in the region for the countries of the Economic Community of West African States (ECOWAS) (see para. 46 below) and the launching of the Strategic Action Plan for a National Coalition against Trafficking in Human Beings by the Government of the Philippines. This latter initiative was a major achievement of the Inter-Agency Executive Committee established as part of a pilot demonstration project, "Coalitions against trafficking in human beings in the Philippines", under the CICP Global Programme.

D. United Nations Children's Fund

22. The United Nations Children's Fund (UNICEF) supports major studies of trafficking that are taking place around the world. UNICEF also provides input into the Global Programme against Trafficking in Human Beings. In the Asian and Pacific Region, UNICEF is a partner in a number of projects that specifically address the trafficking of women and children. UNICEF was active at the first Pan-African Conference on Human Trafficking held in February 2001 and has subsequently become involved in a number of national initiatives against trafficking within and from Africa (see para. 46 below). UNICEF believes in promoting basic education as a preventive and protective strategy in alleviating the problem of trafficking of children. In May 2001 UNICEF workers accompanied delegations from China and Viet Nam when they met in Hanoi to discuss the problem of children being trafficked from Viet Nam to China. UNICEF was one of the organizing partners for the second World Congress against Commercial Sexual Exploitation of Children which was held in Japan in December 2001. Trafficking in children was one of the main areas of focus of the Congress.

E. United Nations Development Programme and United Nations Population Fund

23. The United Nations Development Programme (UNDP) continues to address the issue of trafficking at the country level particularly through its Gender in Development (GID) Programme. This programme, which has been developed at regional, subregional and national levels, focuses attention on violence against women and girls as part of its support for coordinated United Nations system implementation of the Beijing Platform for Action. The Regional Gender Programme of the UNDP Regional Bureau for Asia and the Pacific includes production and dissemination of information resources such as video commercials on trafficking of women. UNDP is also implementing or sponsoring a number of specific anti-trafficking initiatives including a comprehensive programme for the Mekong subregion. The project, which involves a large number of international and national agencies, aims to develop best practice guidelines based on the evaluation of pilot activities and to train trainers, as well as to offer direct socio-economic alternatives to child and women victims of trafficking and to those most at risk. A number of UNDP country offices have also launched or become involved in anti-trafficking interventions. UNDP Nepal, for example, is playing a leading role in a joint inter-agency project (which includes the Office of the High Commissioner for Human Rights) in the implementation of a comprehensive anti-trafficking project for that country.

24. The work of the United Nations Population Fund (UNFPA) reflects an understanding that violence against women includes a wide range of violations of women's human rights, including trafficking. In Eastern and Central Europe, UNFPA continues to cooperate with OHCHR and IOM to develop its activities on the issue of trafficking in persons. Its activities focus mainly on counselling, health, and reproductive rights of victims of trafficking. They continue to address the right of women to sexual and reproductive self-determination. In *The State of the World Population 2001*, environmental problems affecting women are discussed. The report discusses the increased vulnerability of women to economic and sexual exploitation, including trafficking, as they migrate from rural to urban areas. The report also addresses the regional problem in Eastern and Central Europe of the problematic combination of drugs, AIDS, and trafficking in women.

F. Office of the United Nations High Commissioner for Refugees

25. UNHCR shares the view that the criminal trafficking in women and children poses a growing problem to States, while endangering the lives of those who are exposed to the ruthless methods of the gangs and networks responsible for these practices. Its direct interest in this issue stems from the fact that certain measures to combat human trafficking may have a negative impact on the ability of asylum-seekers and refugees to reach safety and to benefit from international refugee protection. An additional humanitarian concern arises where smuggling and trafficking networks target asylum-seekers, in particular women and children, for criminal purposes, including sexual exploitation. In some instances, victims of and witness to acts of trafficking may also feel compelled to apply for asylum in order to access some form of protection against reprisals from the perpetrators of these acts. In some of these cases, trafficked persons may qualify for international refugee protection. Currently, UNHCR is engaged in monitoring and analysing the practice of different asylum countries in order to determine the specific circumstances under which victims of trafficking could be considered eligible for refugee status, pursuant to the 1951 Convention relating to the Status of Refugees.

26. In various regions, UNHCR has been increasing its efforts in addressing the challenges resulting from the interface between asylum issues and exploitative forms of migration, including trafficking in women and children. In Kosovo, UNHCR regularly participates in inter-agency meetings on trafficking where regulations and measures of various agencies to address the plight of trafficking victims are discussed. Its efforts aim at contributing to the responses to trafficking provided within the broader context of migration and asylum. In Albania, UNHCR leads an inter-agency response to smuggling and trafficking through a pre-screening mechanism whereby all foreigners detained for irregular entry into the country are interviewed by the relevant agency, until governmental structures are in place. At a regional level, UNHCR participates in the Stability Pact Task Force to Combat Trafficking in Human Beings of the Organization for Security and Cooperation in Europe (OSCE), providing input within its mandate.

27. UNHCR, IOM and OSCE have also addressed collaboratively issues arising from specific forms of displacement in Eastern Europe and Central Asia. National and subregional approaches to addressing trafficking were given due consideration in a joint inter-agency work plan for 2001. Activities regarding "Trafficking in human beings with special regard to women

and children, with due respect to asylum issues and the human rights of the individuals concerned" are being implemented by IOM in collaboration with UNHCR and OSCE/Office for Democratic Institutions and Human Rights (ODIHR).

28. In the context of the European Union, UNHCR joined together with OHCHR in presenting a submission on the proposal for a Council Framework Decision on combating trafficking in human beings. In the statement, EU member States are urged to provide for the physical safety of trafficking victims within their territory and appropriate protection for trafficked persons who agree to testify against their traffickers. In the view of UNHCR, the adoption of separate and comprehensive provisions for the protection of witnesses and victims of trafficking, while meeting their humanitarian needs, can also help to maintain the integrity of national asylum systems and procedures.

G. International Labour Organization

29. The International Labour Organization (ILO) deals extensively with the issue of trafficking in the context of bonded labour, child labour and migrant workers. The adoption in June 1999 of the Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, which identifies trafficking and related exploitation such as child prostitution as one of the worst forms of child labour, is an important step forward in ILO efforts to combat trafficking in children. Trafficking issues have also been incorporated into the ILO International Programme to End Child Labour (IPEC) and a substantial portion of the IPEC budget is committed to combating trafficking. IPEC supports the efforts of Governments and workers' and employers' organizations in the prevention of trafficking and in the rescue, repatriation and restoration of the rights of victims of trafficking. There are currently five major regional projects on reducing labour exploitation and combating trafficking in children in operation in South Asia, West and Central Africa; Central America and the Dominican Republic; South America; South-East Asia; and the Greater Mekong subregion. These regional projects value a comprehensive and integrated direct action approach that has the aim of preventing and withdrawing children from exploitative work through addressing the root causes of trafficking: poverty, inadequate systems of education and lack of developmental opportunities for children and of remunerative employment for adults.

30. A further ILO project aims at combating not only trafficking in children, but also of women. The project seeks to promote women's employment and productive livelihood alternatives, as well as their socio-economic empowerment, to help reduce poverty and other factors drawing women and children into the sex industry and exploitative work situations. Another relevant initiative is the forthcoming publication of an information guide on women migrant workers that includes case studies on good practices. The guide aims to assist and enhance the efforts of government agencies, workers' and employers' organizations and NGOs, in both sending and destination countries, to improve the situation of female migrants and to protect them against discrimination, exploitation and abuse, including trafficking.

31. In 2002/2003, ILO will commence a "Programme to combat forced labour", in the field of internal and external trafficking. This programme, which involves not only research, but also

direct action, will include four African, five Latin American, four Asian and four European countries. A project on combating trafficking in women and children in Central and Eastern Europe will also commence in 2002.

II. ACTIVITIES OF OTHER INTERNATIONAL ORGANIZATIONS

A. International Organization for Migration

32. The International Organization for Migration (IOM) is involved in counter-trafficking in persons through, inter alia, prevention activities such as research studies and policy papers, awareness-raising campaigns, as well as advisory services, technical cooperation and training for government institutions and protection and assistance activities to benefit victims of trafficking, including voluntary return and reintegration assistance, counselling and medical services. IOM has established counter-trafficking focal points in each of its field offices and, at present, implements more than 60 counter-trafficking projects in different regions.

33. In Africa, IOM efforts in this area have been directed towards protection and assistance, and the return and reintegration of trafficking victims, women and children. IOM has also concentrated on raising awareness of the trafficking issue among government authorities and NGOs and has carried out research on the trafficking phenomenon as it exists in the region. In the Americas, information campaigns are implemented in different countries of Central America, the Andean countries and the Caribbean. Assistance and return programmes are offered to victims all over this region. In Asia, IOM has taken a subregional approach to its counter-trafficking efforts. One of the most important of these inititiatives is the inter-agency project on trafficking for the Mekong subregion. Through this project, IOM is providing practical assistance (particularly with return and rehabilitation) to victims of trafficking in Cambodia, China, The Lao People's Democratic Republic, Myanmar, Thailand and Viet Nam.

34. IOM has expanded its counter-trafficking activities in Central, Eastern and Western Europe in response to a sharp increase in the number of persons being trafficked from this region. Information campaigns have been undertaken in a number of countries including Bulgaria, the Czech Republic, Hungary, Ukraine, Albania and Romania. Protection for victims of trafficking and assistance with return and reintegration are being provided in several countries of the region in coordination with regional institutions and NGOs. This includes shelter and protection services in Albania and Kosovo. Safe, dignified and voluntary return to countries of origin is offered to trafficked persons stranded in transit or destination countries throughout Europe. IOM cooperates closely with the European Commission in this field.

B. European regional organizations

35. The previous two reports contained detailed information on European institutional activity in the area of trafficking, focusing particularly on the European Union (EU), the Council of Europe and the Organization for Security and Cooperation in Europe (OSCE). All three institutions have continued to pay close attention to trafficking throughout the period covered by the present report. Several recent developments are highlighted in the following paragraphs.

36. The most significant development within the Commission of the European Communities during the reporting period was the finalization of the Council Framework Decision on combating trafficking in human beings. The Framework Decision will require member States to modify their legislation and penal codes in order to standardize the definition of offences, and the penalties attached to particular offences, throughout the European Union. The Framework Decision is expected to be an important step forward in combating trafficking to and from countries of the European Union. In March 2001, the High Commissioner for Human Rights submitted to the European Commission and the Swedish Presidency of the European Union a note on the draft Framework Decision with the view to assisting the EU in ensuring that this new regional instrument would reinforce the letter and spirit of existing international legal standards. In June 2001, OHCHR and UNHCR made a number of joint observations on the draft. Of particular concern to both organizations was that provision be made for protection of victims and witnesses, and that a saving clause concerning asylum-seekers and refugees be included. A communication from the European Parliament, also in June 2001, echoed a number of the concerns expressed by OHCHR and UNHCR. The Council Framework Decision was expected to be finally adopted in December 2001. At the time of writing of this report it was unclear whether, and to what extent, the various matters raised by OHCHR, UNHCR and the European Parliament would be reflected in the final text.

37. On 10 June 1999, at the initiative of the EU, the Stability Pact for South-Eastern Europe was adopted in Cologne, Germany. In the founding document, more than 40 partner countries and organizations undertook to strengthen the countries of South-Eastern Europe in their efforts to foster peace, democracy, respect for human rights and economic prosperity in order to achieve stability in the region. Euro-Atlantic integration is promised to all the countries in the region. The Stability Pact is based on the premise that conflict prevention and peace-building can only be successful and self-sustaining if progress is made in three key sectors: the creation of a secure environment, the promotion of sustainable democratic systems, and the promotion of economic and social well-being. The most important political instrument of the Stability Pact is the Regional Table, chaired by the Special Coordinator. Three Working Tables have been established to operate under the Regional Table: Working Table I on democratization and human rights; Working Table II on economic reconstruction, cooperation and development and Working Table III on security issues.

38. The Task Force on Trafficking has been established under Working Table III, and its activities are closely related to those of Working Table I. The main areas of concern for the Task Force are: awareness training, training and exchange programmes, law enforcement cooperation, victim protection programmes, return and reintegration assistance, relevant legislative reform, and prevention. The Task Force on Trafficking held a meeting in April 2001, where it proposed a Multi-Year Anti-Trafficking Action Plan for South-Eastern Europe. The Action Plan is a comprehensive approach to trafficking, consisting of various proposed projects. In Palermo, Italy, on 13 December 2000, the government ministers from the countries of South-Eastern Europe signed an Anti-Trafficking Declaration. In the Declaration, they recognize trafficking as a human rights problem and agree to work in a cooperative and regional manner. Also related to the concerns of the Task Force on Trafficking is the Gender Task Force, established under Working Table I. The two task forces signed an agreement of cooperation in 2000, which included a commitment of the Gender Task Force to include a strategy for prevention of trafficking of women through women's economic empowerment in its overall

goals. One of the major initiatives of the Task Force during 2001 was to encourage Governments to draw up national plans of action as part of an effort to foster coherence in the regional strategy for combating trafficking, including incorporation of a human rights perspective. A model National Plan of Action was drafted by OHCHR and UNICEF and many participating States have gone some way towards adopting this model. A system of national focal points has also been established. Focal points are responsible for reporting back to the Task Force and to each other on an annual basis.

39. The Committee on Equal Opportunities for Women and Men of the Council of Europe Parliamentary Assembly has continued to raise the issue of trafficking and related exploitation. In January 2001, the Committee recommended that States include in national legislation a specific offence of enslaving and trafficking in human beings, as well as appropriate penalties, recognition of the victims of trafficking as victims in their own right and the implementation of social, administrative and legal assistance and protection policies. The Committee also raised the issue of "humanitarian residence permits" for illegal immigrants who are victims of domestic slavery. In September, 2001, the Committee submitted a draft recommendation on the campaign against trafficking in women, in which it noted the increase in trafficking in the last few years and recommended that priority be given by member States to making trafficking of women a criminal offence in national legislation. It also recommended that the Committee of Ministers create an observatory body on trafficking and draft a convention on the subject. The Committee on Legal Affairs and Human Rights offered an opinion on the recommendation, supporting it and recommending the strengthening of certain provisions. The Assembly addressed the issue of trafficking in minors through the East European route in a recommendation this year. The Assembly also adopted a recommendation on transit migration through Central and Eastern Europe, which dealt with combating illegal immigration and trafficking of persons.

40. At the OSCE Istanbul Summit, held in November 1999, the heads of State or Government of the participating States agreed in the Charter for European Security to "undertake measures to eliminate all forms of discrimination against women, and to end violence against women and children as well as sexual exploitation and all forms of trafficking in human beings. In order to prevent such crimes [they] will, among other means, promote the adoption or strengthening of legislation to hold accountable persons responsible for these acts and strengthen the protection of victims". On 28 November 2000, the OSCE Ministerial Council adopted a decision, entitled "Enhancing the OSCE's efforts to combat human trafficking", which commits the organization to strengthening this aspect of its work. OSCE continues to deal with trafficking through its Office of Democratic Institutions and Human Rights (ODIHR). On 15 and 16 October, in Berlin, OSCE/ODIHR held its first conference focusing solely on the responses to trafficking in persons in countries of destination. The purpose of the conference was to explore ways of strengthening protection of the human rights of trafficking victims, as well as improving efforts in combating organized crime networks. OSCE also adopted, in 2001, a set of anti-trafficking guidelines and a code of conduct for its field personnel. The guidelines define trafficking, and demonstrate the importance of treating trafficking as a serious human rights issue. The code of conduct is an important step forward in addressing the involvement of international personnel in trafficking and related exploitation - an issue which received

significant attention during 2001. At the national level, OSCE continued to provide assistance to Governments, non-governmental organizations and individuals on the trafficking issue. In Kosovo, for example, OSCE officials played a part in drafting new legislation criminalizing the trafficking of human beings and mandating assistance to victims

C. Asian regional organizations

41. As noted in the previous report, the South Asian Association for Regional Cooperation (SAARC) countries have agreed to develop a convention to address the problem of trafficking in women and children. A draft text has been produced and discussed extensively. As a result of the cancellation of the Eleventh SAARC Summit, which was to have taken place in Kathmandu in November 1999, adoption of the draft convention was postponed.

42. The Association of South-East Asia Nations (ASEAN) has identified the fight against trafficking in women as one of its priorities. Since 1999, ASEAN ministerial meetings have stressed the urgent need to strengthen the Association's regional capacity to combat such trafficking. Three ASEAN bodies are currently involved in this issue: the ASEAN Ministerial Meeting on Transnational Crime, the ASEAN Chiefs of National Police and The ASEAN Subcommittee on Women (ASC). As reported previously, ASC had prepared a concept paper on trafficking which was circulated to ASEAN member countries for their comments. This initiative represents part of the follow-up to the Asian Regional Initiative against Trafficking in Women and Children (ARIAT) which was launched at a conference held in Manila in March 2000 and which involved the participation of Governments from across Asia as well as international and non-governmental organizations.

43. In August 2001, the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) held a regional seminar on using legal instruments to combat trafficking in women and children. The seminar was attended by representatives of 17 countries in the Asian-Pacific region as well as intergovernmental and non-governmental organizations.

D. Inter-American regional organizations

44. In 1999, a study of the trafficking of women and children for sexual exploitation in the Americas was launched. The study is being conducted by the International Human Rights Law Institute of DePaul University College of Law in collaboration with the Inter-American Commission of Women and the Inter-American Children's Institute - both specialized agencies of the Organization of American States. The primary purpose of the study is to verify the existence of a problem and to evaluate its scope and manifestations. The information thus obtained will be used to draft concrete recommendations and proposals aimed at eliminating the problem in the hemisphere. The current project design includes 14 American countries: Argentina, Brazil, Columbia, Chile, Dominican Republic, Jamaica, Mexico, Belize and the six countries of Central America. At least one national-level congress is planned for each country in order to ensure appropriate and participatory implementation. Plans are currently under way to implement the project in Central America, Mexico and Brazil, with other identified countries to follow when additional funding becomes available.

45. The Inter-American Commission of Women is also working with the Women, Health and Development Program of the Pan American Health Organization on a related project to outline the context of trafficking of women and children for sexual exploitation in the Americas. A concept paper and fact sheet have been developed as part of an attempt to raise awareness about this issue and the major public health problems it presents. Some of the public health concerns raised by the two organizations include physical and sexual violence, the spread of HIV/AIDS and mental health disorders.

E. African regional organizations

46. That a serious trafficking problem exists in Africa is beyond dispute. In the previous report it was noted, with concern, that very little work had yet been done in identifying trafficking flows within and out of Africa and in formulating appropriate responses. It is encouraging to note that a number of important steps in this direction took place during 2001. The 74th Council of Ministers of the Organization of African Unity, meeting in July 2001, identified the issues of child labour and trafficking as being of serious concern requiring national legislation and other action. Previously, in February, 2001, Nigeria hosted the first pan-African conference on human trafficking. In October 2001, a meeting on trafficking in human beings was organized under the auspices of ECOWAS in cooperation with the ODCCP. The meeting adopted a declaration and plan of action which is to be submitted for adoption by the annual ECOWAS Summit scheduled to be held in December 2001.

47. There is now increasing involvement of intergovernmental organizations, including UNICEF, ILO and IOM, in the trafficking issue, particularly in relation to countries of West Africa (see paras. 22, 29, 31 and 33 above). In February 2001, a subregional consultation on "Developing strategies on the trafficking of children for exploitative labour purposes in West and Central Africa" was organized by UNICEF and ILO with the support of the Government of Gabon. A "Common Platform for Action" was adopted, committing participants to fight trafficking and related exploitation. A follow-up meeting is planned for early 2002. The International Migration Policy Programme (a joint initiative of several intergovernmental organizations) is organizing an International Migration Policy Seminar for West Africa for senior government officials in cooperation with IOM and other regional and international entities. The meeting is scheduled to take place in Dakar from 17 to 21 December 2001 and will cover trafficking and smuggling in addition to other migration-related issues. A second major regional conference on these issues will take place in April 2002 with the participation of countries of East Africa (including the Horn of Africa and the Great Lakes region).

III. CONCLUSION

48. The information presented above shows that there are many positive developments to report in the fight against trafficking. However, it is relevant to note that the human rights implications of trafficking and related phenomena such as migrant smuggling are not always fully appreciated. In many parts of the world, trafficking is still considered as an issue of crime and border control, not human rights. While individuals who have clearly been tricked or coerced into moving and who are exploited upon arrival may be viewed more sympathetically at their destination than other "irregular immigrants", they are nevertheless routinely prosecuted for minor offences and quickly deported.

49. International action to end trafficking must take account of the fact that irregular migration (including trafficking) happens because of the enormous difference between the number of people who wish or are forced to migrate and the legal opportunities for them to do so. The impact of severely restrictive immigration policies on international movements should be examined from this perspective. It is also important to acknowledge that traffickers and smugglers service a market in which there are both buyers and sellers. The growth in trafficking reflects not just an increase in "push" factors from countries of origin but also the strong "pull" of unmet labour demands, particularly in the informal sector. There is clearly a need to address those demand factors in countries of destination which make trafficking so profitable in the first place.

50. By definition, trafficked persons are victims of serious human rights violations. The violation of human rights inherent in abusive forms of migration such as trafficking makes it especially important that those working to promote human rights take up this issue with full force and vigour. The human rights community in particular has a special responsibility to ensure that trafficking and smuggling are not seen only as problems of migration, problems of public order or problems of organized crime. These perspectives are, of course, valid and important. However, as noted in the previous report, in developing realistic and durable solutions we must be prepared to look further - to the rights and the needs of the individuals involved. Lack of human security and gross inequalities within and between countries are still the main reasons why people take dangerous migration decisions and why so many women and children end up trafficked. The international community must continue and redouble its efforts to deal with these issues - the root causes of trafficking and related exploitation.

Notes

[1] E/C.12/1/Add.66 (2001).

[2] E/C.12/1/Add.56 (2001).

[3] E/C.12/Add.68 (2001).

[4] E/C.12/1/Add.60 (2001).

[5] E/C.12/1/Add.65 (2001).

[6] CCPR/CO/72/CZE (2001).

[7] CCPR/CO/71/VEN (2001).

[8] CCPR/CO/71/HRV (2001).

[9] CCPR/CO/72/PRK (2001).

[10] CCPR/CO/71/DOM (2001).

[11] A/56/38, paras. 54-96 (2001).

[12] Ibid., paras. 185-231 (2001).

[13] Ibid., paras. 279-311 (2001).

[14] Ibid., paras. 277-318 (2001).

[15] Ibid., paras. 68-113 (2001).

[16] Ibid., paras. 147-194 (2001).

[17] Ibid., paras. 234-278 (2001).

[18] Ibid., paras. 32-67 (2001).

[19] Ibid., paras. 319-360 (2001).

[20] Ibid., paras. 232-276 (2001).

[21] Ibid., paras. 114-146 (2001).

[22] CRC/C/15/Add.155 (2001).

[23] CRC/C/15/Add.164 (2001).

[24] CRC/C/15/Add.168 (2001).

[25] CRC/C/15/Add.153 (2001).

[26] CRC/C/15/Add.156 (2001).

[27] CRC/C/15/Add.157 (2001).

[28] CRC/C/15/Add.146 (2001).

[29] CRC/C15/Add.159 (2001).

[30] CRC/C/15/Add.142 (2001).

[31] CRC/C/15/Add.166 (2001).

[32] CRC/C/15/Add.154 (2001).

[33] A/54/44, paras. 83-88 (2001).

[34] Ibid., paras. 77-82 (2001).

[35] CAT/C/XXVII/Concl.2 (2001).

[36] CERD/C/304/Add.117 (2001).

[37] A/56/18, paras. 298-320 (2001).

[38] CERD/C/304/Add.118 (2001).

[39] A/56/18, paras. 231-255 (2001).

[40] E/CN.4/2001/73.

[41] Ibid.

[42] E/CN.4/2001/73/Add.2.

[43] E/CN.4/2001/78.

[44] E/CN.4/2001/78/Add.2.

[45] E/CN.4/2001/83/Add.1.

[46] (A/CONF.189/PC.1/19).

[47] (A/CONF.189/PC.2/23).

[48] A/56/209 (2001).

[49] A/56/460 (2001).

[50] E/CN.4/2001/73, paras. 59-60.

[51] See para. 39 below.

[52] The provision of such training would be in accordance with Security Council resolution 1265 (1999) of 17 September 1999 in which the Council requested the Secretary-General to ensure that United Nations personnel involved in peacemaking, peacekeeping and peace-building operations "have appropriate training in international humanitarian, human rights and refugee law, including child and gender-related provisions ...".